



Crl.O.P.(MD)No.22639 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22639 of 2024

Muthuselvam

... Petitioner

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.1719 of 2020)

2.Nanthini

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for records pertaining to the impugned Charge Sheet in C.C.No.175 of 2022, pending on the file of the Judicial Magistrate Court, Bodinayakanur, and quash the same.

For Petitioner : Ms.S.Thilagavathi

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2 : Ms.R.Pavatharani



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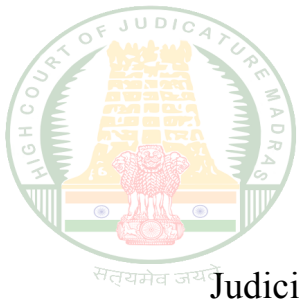
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ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash C.C.No.175 of 2022, pending on the file of the Judicial Magistrate Court, Bodinayakanur.

2. The case of the prosecution is that due to the previous enmity, on the evening of 14.11.2020, at around 07:00 pm, the petitioner attacked the de-facto complainant's husband near a pond and abused the de-facto complainant's husband with filthy language, threatened him with a weapon, and caused harm. Hence, the de-facto complainant lodged a complaint with the first respondent, which was registered as FIR in Crime No.1719 of 2020 on 27.11.2020 under Sections 294(b), 324, and 506(ii) of the Indian Penal Code.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, F.I.R. came to be registered in Crime No. 1719 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.175 of 2022, on the file of the



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Judicial Magistrate Court, Bodinayakanur, for the offences under Sections 294(b), 324 and 506 (ii) I.P.C. against the petitioner.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 20.11.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.R.Surulinathan, Special Sub-Inspector of Police, Thevaram Police Station, Theni District, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the



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matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 324 and 506 (ii) I.P.C.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in (2017) 9 SCC 641 were taken into consideration.

8. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.175 of 2022 as against the petitioner pending before the Judicial Magistrate Court, Bodinayakanur, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.175 of 2022, on the file of the Judicial Magistrate Court, Bodinayakanur, is quashed as against the petitioner and the joint compromise memo, dated 20.11.2024, shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No

10.01.2025



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- 1.The Judicial Magistrate,
Bodinayakanur.
- 2.The Inspector of Police,
Thevaram Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.22639 of 2024

Dated: 10.01.2025